

## **IDAHO CLANDESTINE DRUG LABORATORY CLEANUP SENATE ACT AND RULES**

### **What is a Clandestine Drug Laboratory?**

A Clandestine Drug Laboratory is a site where controlled substances have been or were attempted to be made, processed, cooked, disposed of, or stored. A majority of Clandestine Drug Laboratories are methamphetamine (meth) labs and will, therefore, be the focus of this fact sheet. Illegal meth labs are often found in homes, campgrounds, rest areas, rental properties, motel rooms, abandoned cars, garages, storage sheds, barns, and vacant buildings.

### **What is the Clandestine Drug Laboratory Cleanup Act?**

The Clandestine Drug Laboratory Cleanup Act (Senate Bill 1122) was signed into law on March 31, 2005, and became effective on July 1, 2005. The law requires the Idaho Department of Health and Welfare (IDHW) to develop cleanup rules for clandestine drug laboratories. It also provides a program where properties can be added to and removed from a Clandestine Drug Laboratory Site Property List. A copy of Senate Bill 1122 can be found [here](#) or by calling the Idaho Indoor Environment Program at 1-800-445-8647.

### **Who is affected by the law?**

The law affects anyone who holds the record title to a residential property.

### **What is considered residential property?**

Residential property means any building or structure primarily occupied by people, either as a place to live or as a business that may be sold, leased, or rented for any length of time. Examples include homes, apartments, storage facilities, motels/hotels, mobile homes, manufactured homes or recreational vehicles.

### **Why is this law important?**

Some residential properties are being used to make drugs. The recipes for these drugs include dangerous chemicals that can pollute the property where they are made. People may be harmed when they are exposed to these chemicals if the residential properties are not cleaned thoroughly before the new renter or buyer moves in. The purpose of the law is to protect the public health, safety and welfare, by authorizing IDHW to establish a program providing standards for the cleanup of the residential properties where there was a clandestine drug laboratory.

### **Senate Bill 1122 refers to rules. What are they and what do they do?**

IDHW was given authority and responsibility in Senate Bill 1122 to develop rules establishing acceptable standards for the cleanup of clandestine drug laboratories. IDHW was also given authority to develop a list to add and remove properties that were used as clandestine drug laboratories. Once a property owner meets the cleanup standard or has their property demolished, the property is removed from the list.

### **When did the new rules go into effect?**

The Clandestine Drug Laboratory Cleanup Rules (IDAPA 16.02.24) were approved by the Idaho Legislature and went into effect on April 11, 2006. A copy of the rules can be found [here](#) or by calling 1-800-445-8647.

**How is a property listed as a clandestine drug laboratory?**

Once a residential property has been identified by law enforcement as a clandestine drug laboratory, the property will be posted with a sign and the law enforcement agency will notify the property owner and IDHW. IDHW will then place that property on a Clandestine Drug Laboratory Site Property List. No property will be listed unless the reporting law enforcement agency certifies that the property has been contaminated through use as a clandestine drug laboratory.

**What is the responsibility of the property owner?**

Once the property owner has received written notification from law enforcement, the property owner must make sure that no one is living on the property until it is either cleaned according to the established standard or is demolished. The property owner must then provide IDHW with a final inspection report from a qualified industrial hygienist certifying that the cleanup standard has been met or provide IDHW with a copy of the demolition documentation. The property owner's responsibilities are the same regardless of whether they live on the property or are renting the property.

**How can a property be removed from the list?**

After a property is either cleaned according to the standard or demolished, IDHW will send the property owner a notarized letter (letter/certificate of delisting) informing them that their property has been removed from the Clandestine Drug Property Site List. The letter/certificate will include the date the property was listed as a clandestine drug lab property and the date the property was removed.

**Can the property owner appeal the listing of their property?**

The property owner may appeal the listing by filing a written request for a hearing with the Administrative Procedures Section, 450 West State Street, P.O. Box 83720, Boise, Idaho 83720-0036, within 28 days of the mailing of the notification by the law enforcement agency.

**Will the list of clandestine drug laboratories be made available to the public?**

Each property identified as a clandestine drug laboratory by law enforcement is considered public information. The properties will be available on IDHW's website at <http://healthy.idaho.gov> or by calling 1-800-445-8647. The properties will remain on the list until they are either cleaned according to the standard or demolished.

**Can a property owner voluntarily report his/her property as a clandestine drug laboratory?**

A property owner can voluntarily report his/her property as a clandestine drug laboratory. The property will then be placed on the Clandestine Drug Laboratory Site Property List and will be removed from the list once the property is either cleaned or demolished. By voluntarily reporting his/her property, the property owner will be immune from civil actions as provided in Section 6-2608, Idaho Code.

**Is the property owner immune from future liability?**

Once the property has met the cleanup standard, the owner and any representatives or agent of the property owner will be immune from civil actions involving health claims brought on by any future owner, renter, or other person who occupies the property, where the alleged cause of injury or loss is based on the use of the property for the purposes of a clandestine drug laboratory. This immunity does not apply if the property owner is the person alleged to have produced the clandestine drugs.

**If I sell the property, do I have to inform the new property owner that it used to be a Clandestine Drug Laboratory?**

The new owner should be notified that the property was a former clandestine drug lab, even if the property has been cleaned and removed from the list. According to Idaho Code 55-2506, the seller must "disclose material matters relating to the physical condition of the property to be transferred including . . . the known presence of hazardous materials or substances." The code requires that all disclosures must be made "in good faith." Among the mandatory questions are: "Are you aware of any hazardous materials or pest infestations on the property?" and "Any other problems, including legal, physical or other not listed above that you know concerning the property?"

**If I sell the property, do I have to provide the new owner with a copy of the letter/certificate of delisting?**

It is not required that the seller transfer a copy of the letter/certificate of delisting, however we would highly recommend the seller do so in order to reduce potential future liability.

**When is a property considered clean?**

The current cleanup standard that properties must meet is point one micrograms of methamphetamine per one hundred square centimeters (0.1 µg/100 cm<sup>2</sup>) as demonstrated by the qualified industrial hygienist's clearance sampling. Clearance sampling is testing conducted after cleanup has been completed to verify that the standard has been met. This standard is based on what is believed to be conservative and protective while at the same time achievable by currently available technologies. The current standard is for methamphetamine only. Other standards may be established in the future for the cleanup of other controlled substances found in clandestine drug laboratories as needed.

**If the property identified as a clandestine drug laboratory is an apartment or motel with multiple units, do rooms next to the one listed in the notification letter have to be cleaned also?**

It will depend on the level of contamination that law enforcement found on the property. If law enforcement determines that the rooms share a common ventilation system and could have possible contamination (as noted on the law enforcement notification form), those rooms will need to be cleaned. The rest of the facility can remain open during the cleanup process unless law enforcement determines otherwise in their investigation.

**Who can conduct the cleanup of the property?**

A property owner may choose to hire a cleanup contractor or conduct the cleanup themselves. A cleanup guidance document, as well as a list of cleanup contractors, can be found on IDHW's [website](#) or by calling 1-800-445-8647. The property owner does not have to use a cleanup contractor found on IDHW's list.

**Can the company who conducts the cleanup of the property also do the clearance sampling?**

To prevent potential conflicts of interest, the company conducting the cleanup must be independent of the qualified industrial hygienist conducting the clearance sampling.

**Who can perform the clearance sampling after cleanup?**

Clearance sampling must be conducted by a qualified industrial hygienist. A qualified industrial hygienist must be either a certified industrial hygienist or a registered professional industrial hygienist. A list of qualified industrial hygienists can be found on IDHW's [website](#) or by calling 1-800-445-8647.

**What is the average cost for cleaning a clandestine drug lab property?**

The extent of the cleanup depends on how much methamphetamine was manufactured, the size of the property, and the length of time the lab was used. The average cost for a professional cleanup contractor is approximately \$5,000.

**What does it cost to hire a qualified industrial hygienist to do clearance sampling?**

The average cost for clearance sampling is approximately \$4,000.

**Who can I contact if I have questions about the rules?**

If you have questions about the Clandestine Drug Laboratory Cleanup rules, contact:  
Idaho Department of Health and Welfare

Division of Health

Bureau of Community and Environmental Health

450 W. State Street, 6th Floor

Boise, Idaho 83720-0036

E-mail: [bceh@idhw.state.id.us](mailto:bceh@idhw.state.id.us)

Toll Free: (800) 445-8647

Fax: (208) 334-6573